

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 28-29, 2023

From: STEVEN KECK, Chief Financial Officer

Reference Number: 3.11, Information Item

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **SECOND QUARTER – BALANCE REPORT ON AB 1012 “USE IT OR LOSE IT”
PROVISION FOR FEDERAL FISCAL YEAR 2021 UNOBLIGATED RSTP AND
CMAQ FUNDS**

SUMMARY:

As of March 31, 2023, the Regional Surface Transportation Program (RSTP) has approximately \$14 million and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) has approximately \$5.8 million, subject to reprogramming on November 1, 2023.

BACKGROUND:

The Intermodal Surface Transportation Efficiency Act was enacted in 1991 and was in effect for six years. During that time, the Regions only obligated 87 percent of their Federal funding. The next Federal Highway Act, known as the Transportation Equity Act for the 21st Century (TEA-21), was signed into law in 1998. During the first two years of TEA-21, the Regions' obligation of Federal funds declined to 41 percent. By October 1999, the Regions had accumulated a \$1.2 billion backlog in Federal apportionments and \$854 million in Obligation Authority (OA).

Assembly Bill (AB) 1012 was enacted on October 10, 1999 (Chapter 783, Statutes of 1999), with a goal of improving the delivery of transportation projects and addressing the backlog of the Regions' federal apportionments and OA. AB 1012 states that RSTP and CMAQ funds not obligated within the first three years of Federal eligibility are subject to reprogramming by the California Transportation Commission in the fourth year to prevent the funds from being lost by the State

The annual notice to the Regions, under AB 1012 “Use It or Lose It” provisions for Federal Fiscal Year 2021 (October 1, 2020 through September 30, 2021), was released on December 8, 2022. The total 2021 funds identified as subject to reprogramming under the

*“Provide a safe and reliable transportation network that
serves all people and respects the environment.”*

provisions of AB 1012 were approximately \$23 million. This included approximately \$17 million of RSTP funds and approximately \$6 million of CMAQ funds. As of March 31, 2023, the RSTP amount subject to reprogramming has decreased to approximately \$14 million and the CMAQ amount has decreased to approximately \$5.8 million.

The California Department of Transportation (Department) is responsible for monitoring and reporting unobligated balances. Each month, the Department provides notification to the Regions of the unobligated RSTP and CMAQ balances that have one year remaining under the AB 1012 guidelines.

Attachments

“Provide a safe and reliable transportation network that serves all people and respects the environment.”

Apportionment Status Report
CMAQ and RSTP
as of March 31, 2023

Reference No.: 3.11
June 28-29, 2023
Attachment 1

AB 1012
Balances entering the 3rd Year
(from FFY 2021*)
Regional Report Summary

*Previously referred to as Cycle 24

Region	CMAQ Unobligated 3/31/2023 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2023 ²	RSTP Unobligated 3/31/2023 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2023 ²
Butte	4,294,771	483,418	-	-
Fresno	21,986,162	-	28,758,275	-
Kern	16,611,707	-	13,862,942	-
Kings	2,629,865	-	-	-
Los Angeles	224,582,333	-	278,984,357	-
Madera	2,721,030	-	1	-
Merced	5,120,893	-	(1)	-
Monterey ³	-	-	-	-
Orange	51,093,387	-	23,509,706	-
Riverside	80,082,530	-	92,537,808	-
S. F. Bay Area (MTC)	35,987,207	-	28,072,210	-
Sacramento (SACOG)	3,304,592	-	15,562,970	-
San Benito ³	-	-	-	-
San Bernardino	68,036,643	2,887,191	67,902,868	3,401,600
San Diego	32,603,346	-	41,715,024	-
San Joaquin	11,819,944	-	23,547,069	-
San Luis Obispo	5,987,240	-	-	-
Santa Barbara ³	-	-	-	-
Santa Cruz ³	-	-	-	-
Stanislaus	11,566,100	-	15,080,291	-
Tahoe	2,018,803	-	2,430,210	-
Tulare	6,353,662	-	1,017,907	-
Ventura	20,347,756	-	57,972,401	10,557,988
Rural Counties & SCAG	15,033,970	2,412,094	8,208,866	-
TOTAL	622,181,941	5,782,703	699,162,904	13,959,588

Footnotes:

Balances in the 3rd year (October 1, 2022) are subject to reprogramming on November 1, 2023. These balances include the Federal Fiscal Year (FFY) 2021 "Actual" apportionments (dated November 5, 2021), FFY 2022 "Actual" Apportionments (dated October 19, 2022), and FFY 2023 "Estimated" Apportionments (dated November 9, 2022).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the 3rd year.

³ These Regions are in air quality attainment and cannot use unobligated CMAQ apportionments, which are deobligations of closed out projects. It is anticipated that any CMAQ balance that accumulates in a Region in air quality attainment will be included in a future CMAQ rescission or transferred to another Region that over-delivered prior to the end of the current FFY.

Apportionment Status Report
CMAQ and RSTP
as of March 31, 2023

Reference No.: 3.11
June 28-29, 2023
Attachment 2

AB 1012
Balances entering the 3rd Year
(from FFY 2021*)
Rural Report Summary

*Previously referred to as Cycle 24

Region	CMAQ Unobligated 3/31/2023 Delivery Balance ¹	CMAQ Amount Subject to AB 1012 Reprogramming 11/01/2023 ²	RSTP Unobligated 3/31/2023 Delivery Balance ¹	RSTP Amount Subject to AB 1012 Reprogramming 11/01/2023 ²
Rural County Information:				
Alpine	-	-	-	-
Amador ³	1,078,247	345,565	485,821	-
Calaveras	429,540	-	-	-
Colusa	-	-	-	-
Del Norte	-	-	-	-
El Dorado	-	-	-	-
Glenn	-	-	-	-
Humboldt	-	-	-	-
Imperial (SCAG)	4,912,906	1,469,160	7,723,069	-
Inyo	-	-	-	-
Lake	-	-	-	-
Lassen	-	-	-	-
Mariposa	1,703,266	-	(3)	-
Mendocino	-	-	-	-
Modoc	-	-	-	-
Mono	-	-	-	-
Nevada	2,249,254	-	1	-
Placer	-	-	-	-
Plumas	-	-	-	-
Shasta	-	-	-	-
Sierra	-	-	(6)	-
Siskiyou	-	-	(6)	-
Tehama	3,637,143	597,369	-	-
Trinity	-	-	(10)	-
Tuolumne ³	1,023,613	-	-	-
Rural Combined Totals:	15,033,970	2,412,094	8,208,866	-

Footnotes:

Balances in the 3rd year (October 1, 2022) are subject to reprogramming on November 1, 2023. These balances include the Federal Fiscal Year (FFY) 2021 "Actual" apportionments (dated November 5, 2021), FFY 2022 "Actual" Apportionments (dated October 19, 2022), and FFY 2023 "Estimated" Apportionments (dated November 9, 2022).

¹ Indicates all apportionments not yet obligated.

² Totals reflect balances in the 3rd year.

³ These Regions were previously in air quality attainment as of the beginning of FFY 2016 and did not receive any CMAQ funding. Due to the 2015 FFY Ozone factor, these Regions are back in non-attainment areas at the beginning of FFY 2019, and consequently receive FFY 2021 and future FFYs CMAQ funding.